

Pepper Hamilton LLP
Attorneys at Law

The New York Times Building
37th Floor
620 Eighth Avenue
New York, NY 10018-1405
212.808.2700
Fax 212.286.9806

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
TODAY
DATE FILED 8/20/08
AM 19 2008

Kenneth J. King
212.808.2703
kingk@pepperlaw.com

August 19, 2008

Via Hand Delivery

Honorable Alvin K. Hellerstein
United States District Court
United States Courthouse
500 Pearl Street, Room 1050
New York, NY 10007

*to court 8-20-08
Alvin Hellerstein*

Re: Anderson Kill & Olick, P.C. v. Bray & Gillespie, Inc.
No. 1:08-CV-4565 AKH

Dear Judge Hellerstein:

My law firm currently represents the defendants in this action. Earlier today, we electronically filed a Motion to Withdraw as Counsel of Record for Defendants, a courtesy copy of which is enclosed. In light of our Motion to Withdraw, and in order to avoid any prejudice to defendants, I write to request a one-month extension of the due dates for (a) defendants' reply brief in support of their pending motions to dismiss (docket entries 7-8 and 10-12) and (b) defendants' brief in opposition to plaintiff's motion for partial summary judgment (docket entries 21, 27, 29, 32, 33).

If the extensions are granted, the new due date for the briefs would be September 29, 2008.

As a result of the commencement of settlement discussions, the Defendants have made one prior request for an extension of time to file their reply brief in support of their motions to dismiss, and the Court endorsed the request by ordering that the reply brief would be due on the earlier of 10 days after notice by plaintiffs or August 29, 2008 (docket entry 36). Under that order, the due date for the reply brief is the latter alternative, namely August 29, 2008.

Plaintiff has proposed that defendants' brief in opposition to the plaintiffs' motion for partial summary judgment also be filed on August 29, 2008. The defendants have not yet agreed to a briefing schedule, and we have advised plaintiff that we need to analyze whether we

Philadelphia

Boston

Washington, D.C.

Detroit

New York

Pittsburgh

Berwyn

Harrisburg

Orange County

Princeton

Wilmington



Honorable Alvin K. Hellerstein

August 19, 2008

Page 2

need discovery before responding to the motion. This is the first request for an extension of the due date for defendants' brief in opposition to plaintiff's motion for partial summary judgment.

The requested extensions should provide defendants with sufficient time to retain new counsel and to prepare the briefs.

No case scheduling order has been entered and no other dates have been set. Thus, neither the parties nor the Court need adjust any other dates as a result of the requested extension.

Respectfully,

/s/ Kenneth J. King

Kenneth J. King (KK 3567)

Enclosure

cc: Jeffrey E. Glen, Esq. (via Email, w/ enclosure)
W. Bruce Del Valle, Esq. (via Email, w/ enclosure)
Stephen Nalley (via Email, w/ enclosure)